

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Custom Data Solutions, Inc.,

Plaintiff,

v.

Case No. 09-14970

James J. Schmidt,

Honorable Sean F. Cox

Defendant.

ORDER SETTING ASIDE
CLERK'S ENTRY OF DEFAULT

Plaintiff Custom Data Solutions, Inc. ("Plaintiff") filed this action against Defendant James J. Schmidt ("Defendant") on December 22, 2009. The docket reflects that Defendant's answer was due on January 15, 2010. On January 21, 2010, Defendant obtained a Clerk's Entry of Default. (Docket Entry No. 6).

On January 27, 2010, acting *pro se*, Defendant filed an answer to the complaint. In light of Defendant's *pro se* status and the fact the he filed the answer after the Clerk's Entry of Default was issued, the Court broadly construes that submission as requesting that the Clerk's Entry of Default be Set Aside.

Given Defendant's *pro se status*, the above timing, and the liberal standard for granting motions seeking to set aside a clerk's entry of default, this Court ordered Plaintiff to show cause, in writing, no later than March 5, 2010, why the Clerk's Entry of Default should not be set aside.

Plaintiff has not filed any response to this Court's Show Cause Order and the time for doing for has passed. Accordingly, IT IS ORDERED that the Clerk's Entry of Default is hereby

SET ASIDE.

Given the above ruling, Plaintiff's pending motion seeking entry of a default judgment is also DENIED.

IT IS SO ORDERED.

s/ Sean F. Cox
United States District Judge

Date: March 16, 2010

I hereby certify that on March 16, 2010, a copy of the foregoing document was served upon counsel of record by electronic means and by First Class Mail upon:

James J. Schmidt
16163 Touraine Drive
Clinton Township, MI 48038

s/ Jennifer Hernandez
Case Manager